

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>DANIEL A. BANKS,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>No. 08 CV6275</b>
<b>v.</b>	)	<b>Judge Marovich</b>
	)	<b>Magistrate Judge Nolan</b>
<b>COLLECTION MASTERS, INC.,</b>	)	
	)	
<b>Defendant.</b>	)	

**MOTION FOR ENTRY OF JUDGMENT**

NOW COMES the Plaintiff, DANIEL A. BANKS, by and through his attorneys, LARRY P. SMITH & ASSOCIATES, LTD., and for his Motion for Entry of Judgment, Plaintiff states as follows:

1. Plaintiff filed his Complaint in this matter on November 3, 2008, alleging, *inter alia*, that Defendant violated the Fair Debt Collection Practices Act.
2. In lieu of filing a responsive pleading in this matter, Defendant entered into a settlement agreement with Plaintiff. (A true and exact copy of the settlement agreement is attached hereto as **Exhibit A**).
3. As a result of the parties reaching a settlement accord, on December 16, 2008, Plaintiff filed a Motion to Voluntarily Dismiss his case.
4. This Honorable Court entered an order of dismissal on December 22, 2008.
5. Pursuant to the settlement agreement, Defendant promised to pay Plaintiff \$2750.00 in five installments, starting January 15, 2008 and continuing on a monthly basis through May 15, 2008 (see Exhibit A).
6. Defendant has made no payments to Plaintiff.

7. Defendant has failed to honor its obligations under the settlement agreement.
8. The settlement agreement provides, in pertinent part:

**“Default:** In the event that CM [i.e., Collection Masters, Inc.] fails to comply with any aspect of [the payment schedule], of (sic) fails to make payment to Banks and Larry P. Smith & Associates, Ltd. of the [settlement amounts], **CM hereby consents, acknowledges and allows a judgment to be entered against in the entire amount of the settlement less the amount of the funds paid to date of the default. CM further knowingly and intentionally waives its rights to defend the underlying case.”** (Emphasis added)

9. Defendant has made no payments in accordance with the settlement agreement
10. Pursuant to the settlement agreement and Defendant’s consent to judgment, Plaintiff moves for judgment against Defendant for the amount delineated in the settlement agreement between the parties.

WHEREFORE, Plaintiff hereby moves this Honorable Court for the entry of an order of judgment against COLLECTION MASTERS, INC., in the amount of \$2,750.00.

Respectfully submitted,  
**DANIEL A. BANKS**

By: s/ Larry P. Smith  
Attorney for Plaintiff

Dated: March 19, 2009

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